REMARKS

Claims 1-60 are now pending in this application. New claims 57-60 are added and supported at least at page 40, lines 4-6, of the application as originally filed. No new matter is added by this amendment.

The Examiner has rejected claims 1, 2, 6, and 13 under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. (U.S. Patent Application Publication No. 2002/0124099) in view of Dunn et al. (U.S. Patent No. 6,571,390).

The present application includes a method and system for providing a user with playback options while viewing a broadcast television program on user equipment including switching from broadcast media to streaming media. The method and system include providing the broadcast television program, e.g., broadcast media, to the user equipment, receiving a request from the user to perform a playback option while viewing the television program that is currently being broadcast, and providing a streaming version of the broadcast television program, e.g., streaming media, to the user equipment instead of the broadcast television program in response to the received request where the streaming version of the broadcast television program is generated before the broadcast of the television program.

Srinivasan et al. disclose a system for storing portions of a broadcast program while a user is viewing the program to allow the user to retrospectively post-record previously viewed portions of the program. The system also allows a user to create and store portions of a program (See Srinivasan et al., paragraph 0008). Both solutions are performed without "copying or redundantly storing the streamed data" (See Srinivasan et al, paragraph 0008).

Dunn et al. disclose an interactive entertainment network system that enables a user to create their own customized lists of video-on-demand (VOD) streaming media programs using a VOD application (See Dunn et al., Abstract). A user is also able to view previews of media programs, update his customized list, and order media programs from the customized list.

The combination of Srinivasan et al. and Dunn et al. do not teach or suggest providing both broadcast media and a streaming version of the broadcast media

The Examiner asserts that Srinivasan et al. teach both "providing the broadcast television program to the user equipment" and "providing a streaming version of the broadcast television program to the user equipment instead of the broadcast television program" (See Office Action, Sect. 2). Applicant respectfully disagrees.

Srinivasan et al. only teach providing a first form of media, e.g. a "broadcast stream of data" (See Srinivasan et al., paragraph 0003). The broadcast stream of data, referred to by Srinivasan et al., is clearly the same form of media as the "broadcast program" recited in base claim 1. However, Srinivasan et al. does not teach or suggest using a second form of media data, e.g., the streaming version of the broadcast program. In fact, Srinivasan et al. discourages the use of any redundant data with the broadcast data by stating that "[t]hese solutions do not require copying or redundantly storing the streamed data, thereby avoiding unnecessary use of resources" (See Srinivasan et al., paragraph 0008). While Dunn et al. disclose streaming VOD media, Dunn et al. do not provide a streaming version of the broadcast television program as recited in base claim 1.

Because the combination of Srinivasan et al. and Dunn et al. do not teach or suggest all of elements of base claim 1, there is no prima facie case of obviousness and, therefore, the §103 Rejection of base claim 1 should be withdrawn. Because claims 2, 6, and 13 depend from, and are limited by, base claim 1, the §103 Rejection of these claims should be withdrawn.

Dunn et al. does not teach or suggest generating a streaming version of the broadcast program before the broadcast of the television program

The Examiner admits that Srinivasan et al. does not teach that "a streaming version of the broadcast television program is generated before the broadcast of the television program" (See Office Action, Sect. 2). However, the Examiner asserts that Dunn et al. make up for this deficiency

by referring to "a viewer can select any one of the video data streams for viewing at any time." Applicant respectfully disagrees.

As discussed above, Dunn et al. simply refer to providing streaming VOD programs. Dunn et al. do not teach or suggest providing a streaming version of a currently provided broadcast program. Therefore, Dunn et al. do not generate a "streaming version of a broadcast program before the broadcast of the television program" because Dunn et al. never generate a broadcast of a television program.

For this additional reason, the combination of Srinivasan et al. and Dunn et al. do not teach or suggest all of the elements of base claim 1 and, therefore, the §103 Rejection of base claim 1 should be withdrawn. Because claims 2, 6, and 13 depend from, and are limited by, base claims 1, the §103 Rejection of these claims should be withdrawn.

There is no motivation to combine Srinivasan et al. with Dunn et al. because Srinivasan et al. teach away from using any other data with a broadcast program

As discussed above, Srinivasan et al. clearly teach away from using any redundant data with the broadcast data by stating that "[t]hese solutions do not require copying or redundantly storing the streamed data, thereby avoiding unnecessary use of resources. (See Srinivasan et al., paragraph 0008). Accordingly, there would be no motivation by one of ordinary skill to combine the streaming data of Dunn et al. with the broadcast data of Srinivasan et al. At best, the combination of Srinivasan et al. with Dunn et al. can only be based on impermissible hindsight reasoning. Therefore, the §103 Rejection of base claim 1 should be withdrawn. Because claims 2, 6, and 13 depend from, and are limited by, base claims 1, the §103 Rejection of these claims should be withdrawn.

The Examiner has also rejected claims 3-5, 7-12, and 14 under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. in view of Dunn et al. and in further view of Ellis et al. (U.S. Patent Application Publication No. 2002/0174430).

Because Ellis et al. does not make up for the deficiencies of Srinivasan et al. and Dunn et al., as discussed with respect to base claim 1, the combination of Srinivasan et al., Dunn et al., and Ellis et al. does not teach all of the elements of claims 3-5, 7-12, and 14. Also, as discussed above, there is no motivation to combine Srinivasan et al. with Dunn et al. Therefore, there is no prima facie case of obviousness and the §103 Rejection of these claims should be withdrawn.

With respect to claims 15-16, 20, 27, 29-30, 34, 41, 43-44, 48, and 55, the §103 Rejection of these claims should be withdrawn for the same reasons as discussed above.

With respect to claims 17-19, 21-26, 28, 31-33, 35-40, 42, 45-47, 49-54, and 56, the §103 Rejection of these claims should be withdrawn for the same reasons as discussed above.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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